



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2019

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU****AND****THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**W.P(MD)NO.5185 OF 2019

R.Suresh

:Petitioner

.vs.

1.The District Collector,  
Karur District,  
Karur.

2.The District Revenue Officer,  
Karur District,  
Karur.

3.The Revenue Divisional Officer,  
Aravakurichi,  
Karur District.

4.The Tahsildar,  
Aravakurichi Taluk,  
Aravakurichi,  
Karur District.

5.Pitchai

: Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the official respondents No.1 to 4 to remove the encroachment made in Natham Survey No.410/36 situated at Thethdupatti Village, Aravakurichi Taluk, Karur District by considering the Petitioner's representation, dated 31.01.2019 and also to take necessary action against the fifth respondent for his illegal act of encroaching Government land.

For Petitioner

: Mr.M.Boopathi Pandian

For Respondents  
1 to 4

: Mr.VR.Shanmuganathan  
Special Government Pleader

For Respondent-5

: No appearance

O R D E R

WEB COPY [Order of the Court was made by **K.RAVICHANDRABAABU.,J.**]

The Petitioner seeks for a mandamus to direct the official respondents No.1 to 4 to remove the encroachment made in Natham Survey No.410/36 situated at Thethdupatti Village, Aravakurichi Taluk, Karur District by considering the Petitioner's representation, dated 31.1.2019 and also to take necessary action against the fifth respondent for his illegal act of encroaching Government land.

2.Mr.VR.Shanmuganathan, learned Special Government Pleader who took notice for the respondents 1 to 4 got instructions from them. Though notice was served on the fifth respondent, he has not chosen to appear before this Court either in person or through counsel and his name is also printed in the cause-list.

3.The Petitioner made a representation on 31.01.2019 before the respondents 1 to 4, alleging that the fifth respondent had encroached in Natham Survey No.410/36, situated at Thethdupatti Village, Aravakurichi Taluk, Karur District. The grievance of the Petitioner is that the said representation has not been considered by the official respondents so far. However, the learned Special Government Pleader, based on instructions, submitted that already a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 was issued to the fifth respondent by the official respondents on 1.4.2019 and further proceedings will be taken in pursuant to the issuance of such notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. Therefore, the learned Special Government Pleader submitted that the Petitioner's representation has already been considered and action is being taken. He has also produced a copy of the said notice issued to the fifth respondent under Section 7 of the Tamil Nadu Land Encroachment Act, 1905.

4.Considering the above-stated facts and circumstances, more particularly, the fact that the official respondents have already initiated proceedings against the fifth respondent under the Tamil Nadu Land Encroachment Act, by issuing notice under Section 7 of the said Act, this Writ Petition is disposed of by directing the official respondents to complete the proceedings initiated by issuing notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. The court shall pass appropriate orders on merits and in accordance with law after giving an opportunity of hearing to the fifth respondent. The whole exercise shall be completed by the official



respondents within a period of 12 weeks from the date of receipt of a copy of this order. No costs.

Sd/-  
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,  
Karur District,  
Karur.
2. The District Revenue Officer,  
Karur District,  
Karur.
3. The Revenue Divisional Officer,  
Aravakurichi,  
Karur District.
4. The Tahsildar,  
Aravakurichi Taluk,  
Aravakurichi,  
Karur District.

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.67099

ORDER MADE IN  
W.P (MD) NO.5185 OF 2019  
04.06.2019

vsn  
AE/12.06.2019/3P.6C